

## **REMARKS**

The applicant has carefully considered the official action dated January 16, 2008, and the references cited therein. By way of this response, claims 1 and 7 have been amended. Claims 5 and 8-19 were previously cancelled without prejudice to their further prosecution. Accordingly, claims 1-4, 6, and 7 are pending in this application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

### **The 35 U.S.C. §102 Rejections**

Claims 1-4 and 6-7 have been rejected under 35 U.S.C. §102 as anticipated by Namisniak et al. (U.S. Patent No. 5,711,160). The applicant respectfully traverses these rejections.

It is well settled that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). As amended, independent claim 1 recites a food storage guideline informational printed item separate from the informational area to be referenced when using the informational area and representing time durations for which particular food items may be stored without spoiling. In contrast, the apparatus described by Namisniak et al. includes electronic memory having data associated with common leftover and perishable foods. To find information regarding common food items using the electronic memory, a user must engage letters on a keypad to sort

through an electronically displayed list. Such an electronic list cannot anticipate the recitations of claim 1 of the present application.

Accordingly, the applicant submits that claim 1 and all claims dependent thereon are in condition for allowance. If there are any remaining issues in this application, the examiner is invited to contact the undersigned attorney at the number listed below. The Commissioner is authorized to charge any additional fees which may be required during the pendency of this application to Deposit Account No. 50-2455.

Respectfully submitted,

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